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2 BILL NO. R-89-02- 09
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RESOLUTION NO. R-12-89

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A RESOLUTION RATIFYING AND APPROVING
DECLARATORY RESOLUTION 89-2 OF THE
FORT WAYNE REDEVELOPMENT COMMISSION
AND THE APPROVING RESOLUTION OF THE
FORT WAYNE PLAN COMMISSION.

WHEREAS, the Fort Wayne Redevelopment Commission on January 11, 1989, adopted Declaratory Resolution 89-2, said Resolution approving the East Main Street Renewal Project, which Resolution is attached hereto and made a part hereof and marked Exhibit "A"; and

WHEREAS, the Fort Wayne Plan Commission adopted a Resolution approving the Declaratory Resolution and Economic Development Plan January 30, 1989, a copy of said Resolution being attached hereto and made a part hereof as Exhibit "B;" and

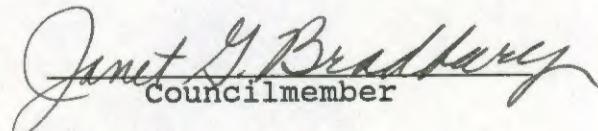
WHEREAS, pursuant to I.C. 36-7-14 et seq., the Redevelopment commission may not proceed with development in an Economic Development area until the approval of the Declaratory Resolution by this Common Council; and

WHEREAS, this Common Council has reviewed said Resolutions and desires to approve same;

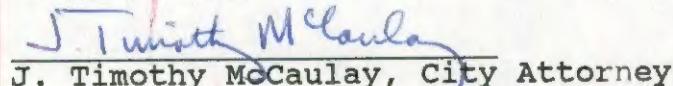
NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Declaratory Resolution 89-2 of the Fort Wayne Redevelopment Commission, attached hereto as Exhibit "A" and the Resolution of the Fort Wayne City Plan Commission, attached hereto as Exhibit "B," are hereby approved, ratified and confirmed.

SECTION 2. This Resolution shall be in full force and effect from and after its passage and approval by the Mayor.


Janet G. Bradbury
Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

ATTACHMENT A

RESOLUTION NO. 89-2

DECLARATORY RESOLUTION
EAST MAIN STREET RENEWAL PROJECT

WHEREAS, the Fort Wayne Redevelopment Commission has made investigations, studies, and surveys of various blighted, deteriorated, and deteriorating areas within the City of Fort Wayne, Indiana, and of the causes contributing to the blight and deteriorating of such areas; and

WHEREAS, such investigations, studies, and surveys have been made in cooperation with the various departments and bodies of said City and have been directed toward determining the proper use of land and improvements thereon so as to best serve the interests of the City and its inhabitants, both from the standpoint of human needs and economic values, and as a result of such investigations, studies, and surveys, the Commission has found that the area heretofore described is blighted, deteriorated, and deteriorating. Specifically, the following described area in the City of Fort Wayne, Indiana, is found and declared to be blighted, deteriorated, and deteriorating to such an extent that such conditions cannot be corrected by regulatory processes or by the ordinary operations of private enterprise, without resort to the provisions of the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981) of the General Assembly of the State of Indiana, as amended and supplemented and which area is bounded and described as follows:

Beginning at the point of intersection of the northerly right-of-way line of Main Street and the easterly right-of-way line of Clay Street; thence westerly along the northerly right-of-way line of Main Street to the westerly right-of-way line of Lafayette Street; thence southerly along the westerly right-of-way line of Lafayette Street a distance of approximately 252 feet to the southerly right-of-way line of the east-west alley between Main and Berry Streets; thence easterly along the southerly right-of-way line of said alley to a point 22 feet east of the westerly lot line of Lot 12 Taber's Addition to the City of Fort Wayne; thence southerly a distance of approximately 216 feet to the southerly right-of-way line of Berry Street; thence easterly along the southerly right-of-way line of Berry Street to the easterly right-of-way line of Clay Street; thence northerly along the easterly right-of-way line of Clay Street to the point of beginning.

and that the public health and welfare would be benefited by the urban renewal of such area under the provisions of said Act; and

WHEREAS, the Commission has heretofore caused to be prepared maps and plats showing the boundaries of the heretofore and hereinafter described blighted, deteriorated, and deteriorating area, the location of the various parcels of property, streets, alleys, and other features affecting the urban renewal of such area, indicating any parcels of property to be excluded from the acquisition and the portions of the area which are to be devoted to streets, alleys, sewerage, playground and other public purposes under the Urban Renewal Plan; and

WHEREAS, the Commission has caused a separate appraisal to be made of the fair value of each of the parcels to be acquired, and the Commission now finds the estimated cost of acquiring the real property in the blighted, deteriorated, and deteriorating area hereinafter described is approximately One Hundred Twenty-Nine Thousand Dollars and 00/100 (129,000.00); and

WHEREAS, there was presented to this meeting of the Governing Body of the City of Fort Wayne, Department of Redevelopment, for its consideration and approval, a copy of Urban Renewal Plan for the area comprising the renewal project dated January 1989 and consisting of 10 pages and 5 exhibits; and

WHEREAS, this Commission has, at a meeting open to the public, heard evidence and reviewed the maps and plats presented at the meeting and has considered same;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Redevelopment Commission that the Urban Renewal Plan for the East Main Street Renewal Project, dated January 1989 is hereby approved.

BE IT FURTHER RESOLVED that in all proceedings relating to the urban renewal of the above described area, the same shall be referred to as the East Main Street Renewal Project.

BE IT FURTHER RESOLVED that the Commission now declares the above described area blighted, deteriorated, and deteriorating and a menace to the social and economic interests of the City of Fort Wayne and its inhabitants and that the urban renewal of such area shown on the above described maps and plats under the provisions of the Redevelopment Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981 of the General Assembly of the State of Indiana, as

amended and supplemented) will be of public utility and benefit, and that the Department of Redevelopment of the City of Fort Wayne will acquire all of such land and interests therein within said boundaries with the exception of those parcel to be excluded as indicated on maps of the area.

BE IT FURTHER RESOLVED that the Department of Redevelopment acquire, to the extent monies are available, the following parcels of real estate located on the above described area:

<u>Parcel Key Number</u>	<u>Owner</u>	<u>Occupant</u>
92-4063-5001	City of Fort Wayne	City of Fort Wayne
92-4063-5002	City of Fort Wayne	City of Fort Wayne
92-4063-5003	City of Fort Wayne	City of Fort Wayne
92-2415-5040	City of Fort Wayne	City of Fort Wayne

BE IT FURTHER RESOLVED pursuant to Section 36-7-14-39 of the Redevelopment of Blighted Areas of 1981, as amended and supplemented, as follows:

(a) As used in this Resolution for purposes of distribution and allocation of real property taxes, "allocation area" means all of the blighted area included in the description of real estate in this Declaratory Resolution.

(b) Any real property taxes hereafter levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable real property and the allocation area described in the within Declaratory Resolution shall be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of such taxes attributable to the lesser of:

(i) the assessed value of such property for the assessment date with respect to which the allocation and distribution is made, or

(ii) the assessed value of all such property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of this Declaratory Resolution; shall be allocated to and when collected paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to:

- (A) pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment that allocation area;
- (B) restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area;
- (C) pay the principal and interest of bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under I.C. 36-7-14-27; or
- (D) pay principal and interest of bonds issued by the unit to pay for local public improvements in that allocation area, to reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in I.C. 36-7-14-21.1(a)) in that allocation area, or for rentals paid by it for a building or parking facility in that allocation area under any lease entered into under I.C. 36-1-10.

(3) When the monies in the allocation fund are sufficient to pay when due all principal and interest on bonds described herein, and is not needed for the other purposes described herein, monies in the allocation fund in excess of that amount shall be paid to the respective taxing units in the manner provided in clause (1) of this section.

BE IT FURTHER RESOLVED that a copy of this Resolution, together with said Urban Renewal Plan and supporting data be submitted to the City Plan Commission of Fort Wayne for examination by that body and its determination as to whether this Declaratory Resolution and said Urban Renewal Plan conform to the master plan of development for

said City and for its written order approving or disapproving this Declaratory Resolution and said proposed Urban Renewal Plan.

BE IT FURTHER RESOLVED that if an approving order is issued by said City Plan Commission, that same shall be transmitted to the Common Council of the City of Fort Wayne for its approval.

BE IT FURTHER RESOLVED that upon receipt of the written order of approval of said City Plan Commission and the approval of the Common Council of the City of Fort Wayne a notice shall be published in accordance with the requirements of I.C. 5-3-1 fixing a date for the receiving and hearing of remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and for the final determination of the public utility and benefit thereof.

ADOPTED at a Special Meeting of the Fort Wayne Redevelopment Commission held January 11, 1989, in the City Council Chambers on the First Floor of the City-County Building, One Main Street, Fort Wayne, Indiana.

FORT WAYNE REDEVELOPMENT COMMISSION

Arnold Koss
President

David Boyer
Secretary

ATTEST:

Ronald Fletcher
Assistant Director for Redevelopment

ADOPTED: Jan 11, 1989

This Resolution prepared by and approved as to form and legality by R. David Boyer for the Redevelopment Commission.

ATTACHMENT B

RESOLUTION OF THE
FORT WAYNE CITY PLAN COMMISSION

The City Plan Commission of the City of Fort Wayne in executive session of January 30, 1989, having before it a copy of the Fort Wayne Redevelopment Commission's East Main Street Renewal Project Urban Renewal Plan adopted by the Redevelopment Commission on January 11, 1989, together with the Urban Renewal Plan referred to therein and the necessary supporting data and all of which having been duly considered, the Fort Wayne City Plan Commission upon motion by Yvonne Stam, seconded by Robert Hutner, and unanimously approved, adopted the following resolution:

WHEREAS, at the City Plan Commission executive session on January 30, 1989, the Fort Wayne Redevelopment Commission submitted to the Fort Wayne City Plan Commission an Urban Renewal Plan, designated as East Main Street Renewal Project, together with the Urban Renewal Plan referred to therein and supporting data all as required by the Redevelopment of Blighted Areas Act (36-7-14 of the Acts of 1980 of the General Assembly of the State of Indiana, as Amended and Supplemented) and said East Main Street Renewal Project Urban Renewal Plan having been duly considered by the Fort Wayne City Plan Commission is found to be in conformance with the Master Plan of Development for the City of Fort Wayne;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that said East Main Street Renewal Project and said Urban Renewal Plan conform to the Master Plan of Development for the City of Fort Wayne and said Declaratory Resolution and Urban Renewal Plan are accordingly hereby approved.

BE IT FURTHER RESOLVED that the President of this Commission be and is hereby authorized to deliver to the Fort Wayne Redevelopment Commission and to the Common Council of the City of Fort Wayne a certified copy of this resolution which shall constitute the approving order of the Fort Wayne City Plan Commission required by law approving said East Main Street Renewal Project.

Robert H. Hutner
Robert H. Hutner, Secretary
Fort Wayne City Plan Commission

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN

I, John Shoaff, President of the Fort Wayne City Plan Commission, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission at an executive meeting of said Commission held January 30, 1989, and as the same appears of record in the official records of the said Plan Commission dated the 30th day of January, 1989.

Approved:

John Shoaff
John Shoaff, President
Fort Wayne City Plan Commission

Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on , the 19 , at o'clock M., E.S.T. of

DATED: 2-14-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED UNANIMOUS by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

DATED: 2-28-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. Q-12-89 on the 28th day of February, 1989.

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 1st day of March, 1989, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 7th day of March, 1989, at the hour of 9:30 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

FORT WAYNE URBAN RENEWAL PLAN

**EAST MAIN STREET
RENEWAL PROJECT**

FORT WAYNE INDIANA

Fort Wayne Redevelopment Commission

EAST MAIN STREET RENEWAL PROJECT

A. BACKGROUND

The Downtown Comprehensive Plan and Development Strategy identifies the intersection of Main and Clay Streets as the northeastern boundary of downtown Fort Wayne. The northside of Main Street from Clay to Harrison Streets is completely developed with the exception of a surface parking lot on the northwest corner of Calhoun and Main Streets adjacent to Reigel's Tobacco Store and the Merrill Lynch Plaza. The uses on the northside of Main Street are public, governmental, and commercial. Specifically, from Clay to Harrison Streets, the developments consist of Fire Station No. 1, Fort Wayne Art Museum, Performing Arts Center, Freimann Square, City-County Building, and the Merrill Lynch Plaza. The development on the northside of Main Street will be extended further to the west when a multi-level parking facility with ground floor commercial space commences construction in early 1989 at the northwest corner of Harrison and Main Streets. Furthermore, the overall development plan for the Merrill Lynch Plaza includes constructing two additional office buildings on the block bounded by Calhoun and Harrison Streets.

The development of the southside of Main Street has not followed and in certain areas does not complement the development that has occurred on the northside of Main Street. Currently, the uses along the southside of Main Street between Clay and Harrison Streets are residential, commercial, and public. Specifically, between Clay and Lafayette Streets, the uses consist of a surface parking lot and two residential units, between Lafayette and Barr Street is the former Bostwick Pontiac facility, between Barr and Clinton Streets is the new Standard Federal Bank Building and the recently restored Journal Gazette Building, between Clinton and Court Streets is a surface parking lot, between Court and Calhoun Streets is the Allen County Courthouse, and between Calhoun and Harrison Streets is a surface parking lot and a small block of commercial buildings. The Standard Federal Building currently under construction at Barr and Main Streets and Northern Indiana Public Service Company's announcement that it will construct its new office building on the site of the former Bostwick Pontiac facility will have a positive impact on Main Street developing into the public, governmental, and office corridor of downtown Fort Wayne. With these two additions, the area on the southside of Main Street between Lafayette and Clinton Streets will be completely developed. However, the block on the southside of Main Street between Clay and Lafayette Streets, which is the northeastern boundary of downtown Fort Wayne and represents the transition from the eastside residential area to downtown has been void of development.

B. INTRODUCTION

The Fort Wayne Redevelopment Commission has determined that a

portion of the block bounded by Clay Street on the east, Main Street on the north, Lafayette Street on the west, and Berry Street on the south is blighted based on criteria set forth in I.C. 36-7-14-15. The current uses and building conditions prevents the normal development of this area. The goals of the Commission is to have the property at the southwest corner of Main and Clay Streets, which the City-owned parking lot is located, developed. The importance of this parcel of land is that it is the northeast boundary of downtown Fort Wayne and serves as the transitional area between the east-side residential area and downtown. The Redevelopment Commission intends to acquire this property and have a public offering of said real estate. The Commission will accept offers to develop this real estate based on uses that are considered appropriate transitional uses between the east-side residential area and the downtown.

Also, the Commission will continue to investigate the area surrounding this Project Area to determine if this Area should be extended to ensure that this portion of the downtown develops according to the overall development strategy for downtown Fort Wayne.

C. PROJECT AREA

The specific area to be included in this Urban Renewal Project is as follows:

Beginning at the point of intersection of the northerly right-of-way line of Main Street and the easterly right-of-way line of Clay Street; thence westerly along the northerly right-of-way line of Main Street to the westerly right-of-way line of Lafayette Street; thence southerly along the westerly right-of-way line of Lafayette Street a distance of approximately 252 feet to the southerly right-of-way line of the east-west alley between Main and Berry Streets; thence easterly along the southerly right-of-way line of said alley to a point 22 feet east of the westerly lot line of Lot 12 Taber's Addition to the City of Fort Wayne; thence southerly a distance of approximately 216 feet to the southerly right-of-way line of Berry Street; thence easterly along the southerly right-of-way line of Berry Street to the easterly right-of-way line of Clay Street; thence northerly along the easterly right-of-way line of Clay Street to the point of beginning.

See Map No. 1 (Project Boundary)

D. PROPERTY OWNERSHIP*

The property owners within the East Main Street Renewal Project are as follows:

<u>Tax I.D. Number</u>	<u>Owner</u>	<u>Assessed Value</u>
91-4063-5001	City of Fort Wayne	Land: 27,500 Improve: 24,000
91-4063-5002	City of Fort Wayne	
91-4063-5003	City of Fort Wayne	
91-2415-0040	City of Fort Wayne	
91-2415-0041	Christopher Payne III	Land: 7,900 Improve: 4,300
91-2415-0042	Shideler Realty	Land: 7,600 Improve: 4,200
91-2415-0083	Anthony Deutsch & Perry D. Shilts	Land: 6,500 Improve: 11,500
91-2415-0084	Arthur Werner	Land: 1,500 Improve: 3,500
91-4063-0012	Jacob H. Feichter	Land: 5,200 Improve: 5,900
91-4063-0011	Eleanor Shideler	Land: 8,300 Improve: 18,200

* See Map No. 2 (Property Ownership)

E. STATEMENT OF PROJECT OBJECTIVES

1. General Objectives

- a. To enhance the northeast boundary of downtown Fort Wayne in accord with the Downtown Comprehensive Plan and Development Strategy.
- b. To complement and support existing and proposed developments in the downtown area. Specifically, the Civic Center Renewal Project Amended and the West Main Street Renewal Project Amended areas.
- c. To encourage rehabilitation of adjacent areas.
- d. To remove blighting influences and substandard, obsolete structures which adversely affect downtown development opportunities.
- e. To promote attractive, efficient development in accord with the total development of the downtown.

- f. To provide improved pedestrian and vehicular circulation, adequate off-street parking and loading facilities, and better relationship to mass transit.

2. Specific Objectives

- a. To create a site for the development of a transitional use between the east-side residential area and downtown Fort Wayne.
- b. To design and develop buildings, plazas, parks, and related open space in the project area that are attractive to both users and passers-by.
- c. To encourage rehabilitation, reuse, and conversion of existing structures for purposes compatible with the area's land uses.

F. URBAN RENEWAL TECHNIQUES TO BE USED

1. Acquisition and Clearance

Conditions and reasons under which properties may be acquired and cleared are as follows:

- a. To remove buildings with major deficiencies which are substandard warranting clearance.
- b. To remove buildings with minor deficiencies in order to effectively remove blighting influences which include the following:
 - (1) Incompatible land uses or land use relationships.
 - (2) Overcrowding of structures on parcels.
 - (3) Obsolete buildings not suitable for conversion.
- c. To provide adequate sites for development, in accordance with the stated design criteria, to meet the goals and objectives of the overall plans for the area.
- d. The real property to be acquired under this Plan is shown on the Land Acquisition Map (Map No. 3). Such properties will be acquired unless future investigation indicates that they are not needed to achieve specific plan objectives or that the structures are rehabilitable in conformance with the overall plan.

2. Rehabilitation

- a. The Commission will encourage the owners of all buildings not to be acquired to maintain said

structures in compliance with all relevant codes and ordinances. Any exterior rehabilitation or modifications shall be subject to review by the Redevelopment Commission as per Section G.5. hereof.

3. Acquisition Policies

The Redevelopment Commission will follow the Land Acquisition Procedure set forth in the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981). This Act provides for the acquisition of land by the Redevelopment Commission through the exercise of the power of eminent domain should that be deemed necessary by the Commission.

4. Relocation Policies

All relocation benefits and services will be provided in accordance with the Uniform Relocation and Acquisition Policies Act of 1970.

5. Project Improvements

The provision of public improvements in the project area will be undertaken as required to accommodate new development and enhance the function and appearance of the project area. Such improvements will include, but not be limited to the following:

a. Relocation of Existing Utilities

Existing utilities (public and private) will be relocated when necessary to achieve project objectives. All utility relocations shall be underground.

b. New Utilities

When necessary to serve new or existing uses, new utilities will be provided. Any such new utilities shall be underground.

c. Streets and Sidewalks

New sidewalks, street trees, and landscaped areas may be required by the Redevelopment Commission based on review of development plans submitted. Said improvements may be funded in part or in full by the Commission or may be a requirement that the Commission places on the developer/redeveloper. Streets bounding the renewal project area will be rebuilt or repaved as necessary.

d. Parks, Places, and Pedestrian Bridges

In its review of final plans for buildings within the Project Area, the Commission will encourage plazas and parks within developments to provide open space areas for pedestrians.

G. LAND USE PLAN AND DEVELOPMENT CONTROLS

1. Land Use Plan

Map No. 4 (Land Use Plan) shows the proposed Land Use Areas while Map No. 5 (Thoroughfares and Street Right-of-Ways) shows the public right-of-ways that will be maintained.

2. Land Use Provisions and Building Requirements

In order to achieve the objectives of this Urban Renewal Plan, the use of land in the Project Area will be subject to the regulations and controls specified in this section.

3. Zoning

The land in the Project Area is zoned M-1 (Light Manufacturing). However, the Commission will restrict the uses within this Project Area to the permitted uses in the B3A (General Business) zoning classification. The Commission will also investigate the zoning within the surrounding area to determine if the Project Area should be extended in order to change the current zoning to better reflect the uses detailed in the Downtown Comprehensive Plan and Development Strategy.

4. Development Controls

a. Building Permits

No building shall exceed 300 feet in height.

b. Setbacks

No setbacks from street or property lines are required.

c. Parking

No off-street parking shall be required on the site of any particular use. However, prior to final approval of any development plan, the Fort Wayne Redevelopment Commission shall make a determination that sufficient parking to serve proposed uses is or will be available within 500 feet of the site.

d. Loading and Service

Servicing of all new buildings shall be off-street where feasible. Developers shall demonstrate that sufficient off-street loading will be provided to meet the needs of the specific reuse proposed, but in any event, at least one loading space shall be provided for each 40,000 square feet of gross floor area or major fraction thereof.

e. Signs

All signs shall be incidental, customary to, and commonly associated with the principal use. Rooftop, flashing, moving or intermittently illuminated signs or advertising devices are prohibited, as are signs which may be mistaken for traffic control devices. No free standing signs shall be permitted. Signs attached to and parallel to a building shall not extend above or beyond the building facade and shall project no more than 18 inches from the wall to which it is attached. Signs perpendicular to a building facade shall extend no further than three feet from the facade, unless suspended beneath a marquee, covered walkway or arcade. The bottom of such signs shall be at least 8 feet above the sidewalk.

f. Other Regulations and Controls Applying to the Urban Renewal Area

- (1) In the event of any question regarding the meaning of the controls or other provisions of this Urban Renewal Plan, the interpretation placed thereon by the Fort Wayne Redevelopment Commission shall be final and binding.
- (2) No use shall be permitted, which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise or vibration, or other objectionable feature so as to be detrimental to the public health, safety, or general welfare.
- (3) The Fort Wayne Redevelopment Commission may establish such interim uses as it deems feasible and desirable in the public interest on property which has been acquired and not yet sold to a developer, provided such interim use does not have an adverse effect upon the surrounding area.
- (4) Unless paved, all open areas shall be landscaped and maintained in an attractive condition.

- (5) There shall be no restriction of occupancy or use of any part of the project area or any facility constructed in the project area on the basis of race, creed, color, sex or national origin.

5. Review of Development Plans and Rehabilitation Proposals

The Fort Wayne Redevelopment Commission shall review all proposals for new buildings or rehabilitation of existing buildings for compatibility with the project and design objectives of the area. In such review, the Commission may draw upon such technical assistance as it deems necessary.

The Commission shall inform all proposed developers of specific design requirements and objectives prior to the disposition of any project land. As soon as possible after the selection of a developer, the Authority shall inform him of required submission material in accord with its established review procedures.

For all proposed new buildings and rehabilitation of existing buildings, the site plan, exterior design of all buildings, architectural treatment, signs, landscaping and other items related to design objectives, shall be subject to the approval of the Fort Wayne Redevelopment Commission.

6. Duration of Controls

This plan, its regulations and requirements shall be in effect for fifty (50) years from the date of its adoption by the Fort Wayne Redevelopment Commission, City Council of Fort Wayne, City Plan Commission and other legally designated agencies.

H. OBLIGATIONS TO BE IMPOSED ON REDEVELOPERS

1. Land or buildings acquired by the Redevelopment Commission, City of Fort Wayne, will be disposed of subject to an agreement between the Commission and the developer or redeveloper. The developer or redeveloper will be required by the contractual agreement to observe the development controls. The developer or redeveloper will not be permitted to defer the start of construction for a period longer than that required for the preparation of necessary plans, their review, and approval by the Redevelopment Commission, City of Fort Wayne, and other governing agencies.

In addition, the following provisions will be included in the agreement:

- a. That the developer or redeveloper will submit to the Commission a plan and schedule for the proposed development or redevelopment.
 - b. That the purchase of the land is for the purpose of development or redevelopment and not for speculation.
 - c. That the building or improvements will be completed within a reasonable time.
 - d. That the developer or redeveloper, their successors or assigns, agree that there will be no discrimination against any person or group of persons on account of race, creed, color, sex, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises therein conveyed or improvements erected or to be erected thereon. The above provision will be perpetual and will run with the land disposed of within the Project Area by the Redevelopment Commission, City of Fort Wayne.
2. Additional controls, restrictions and building requirements may be imposed by the Redevelopment Commission, City of Fort Wayne, in its Notice of Bidders or Instructions to Bidders.

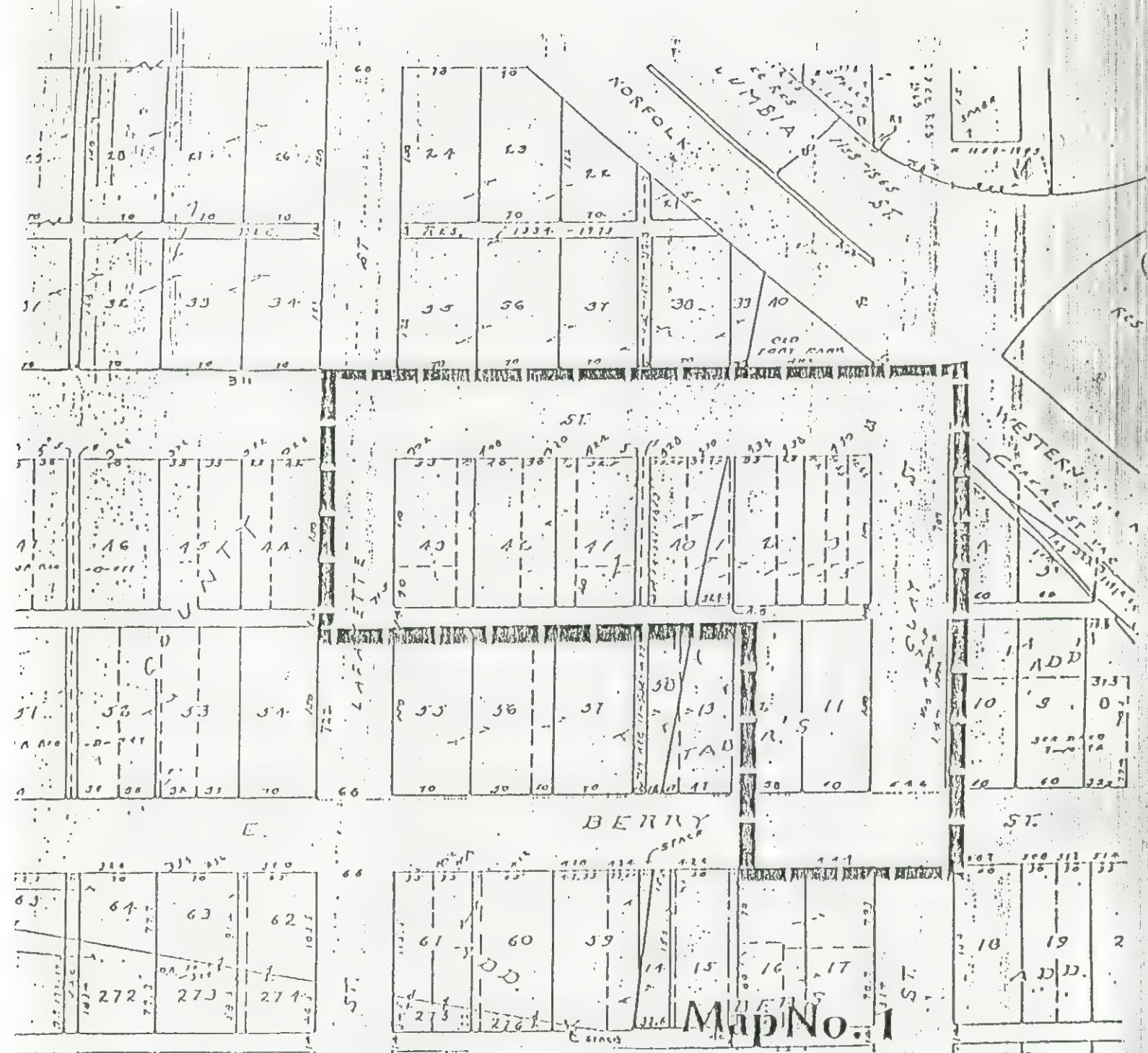
I. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

All provisions necessary to conform with state and local law have been compiled with by this Plan and supporting documents as follows:

1. A resolution declaring the East Main Street Renewal Project as a blighted, deteriorated, or deteriorating area has been adopted by the Fort Wayne Redevelopment Commission.
2. The Urban Renewal Plan indicates the extent and location of land acquisition, demolition, public improvements, rehabilitation and proposed redevelopment.
3. The Project Area is currently zoned M-1 (Light Manufacturing). The Commission will restrict the uses within this Project Area to the permitted uses in B3A (General Business) zoning classification.
4. The Plan sets forth the permitted land uses, densities, building requirements, and other development controls.
5. The Plan conforms to the General Plan for the City as a whole and to definite local objectives. Specifically, a Development Plan for downtown was prepared by the Redevelopment Commission in the spring of 1985. This plan indicated a development strategy for downtown, as well as specific land use and development proposals, transportation and parking proposals, and a design framework.

J. PROCEDURE FOR CHANGES IN THE APPROVED URBAN RENEWAL PLAN

The Urban Renewal Plan may be modified or varied at any time by a resolution of the City of Fort Wayne Redevelopment Commission; provided, however, that may change directly and substantially affecting any property or contractual right vested in and by the effectuation of the Urban Renewal Plan may be made only after the Commission has received the consent to the change, in writing, from the owner of such vested right. It is further provided that if such written consent cannot be obtained or if the Redevelopment Commission deems the proposed change in the Urban Renewal Plan to be substantial, then the Commission shall approve such change only in accordance with the same procedure by which the Plan was originally adopted.



PROJECT BOUNDARY

Project Boundary Map

East Main Street Renewal Project

City of Fort Wayne
91-4063-5001
91-4063-5002
91-4063-5003
91-2415-5040

Anthony Deutsch
Perry Shultz
91-2415-0083

Shideler Realty Co.
91-2415-0042

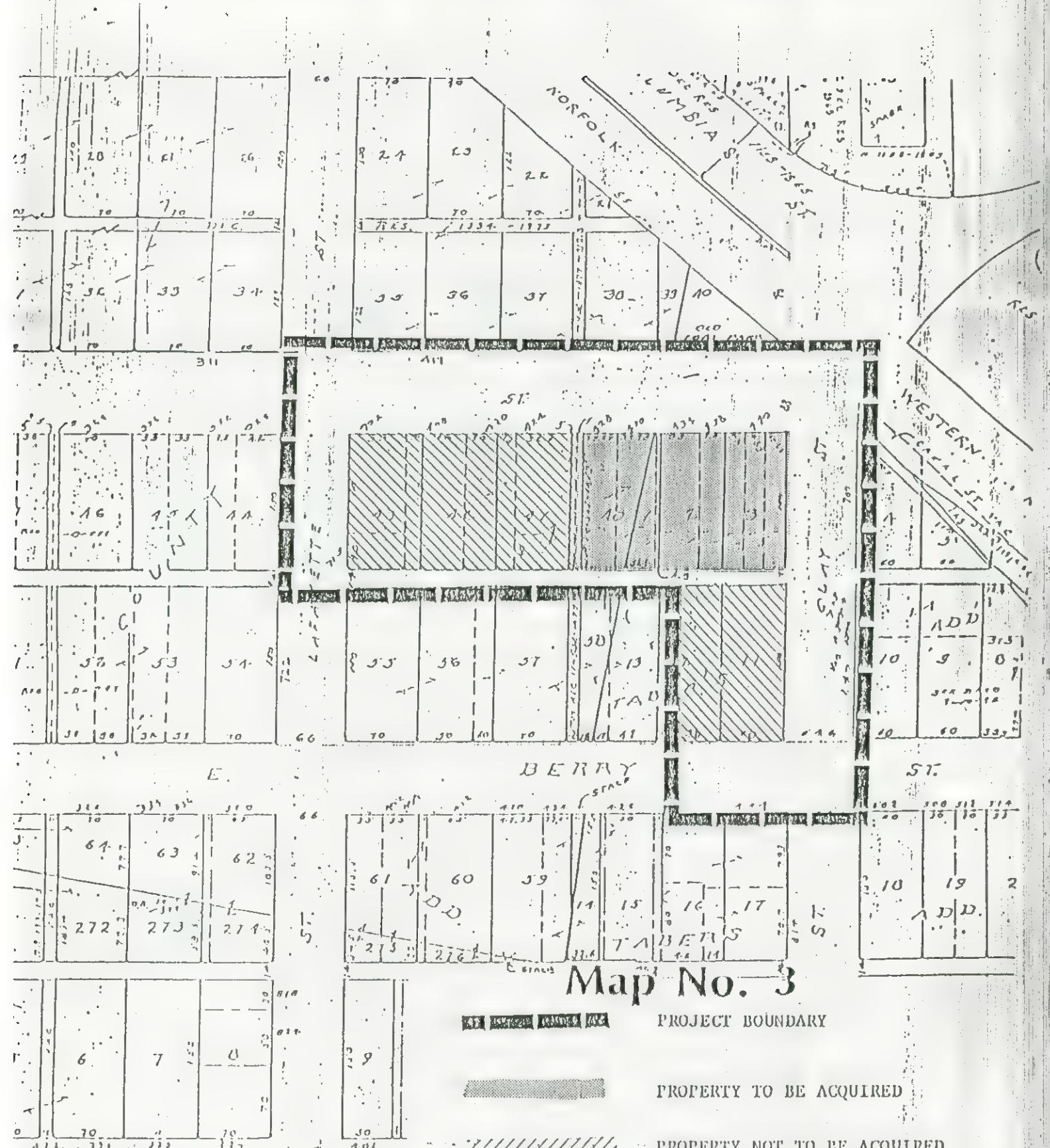
Arthur Verner
91-2415-0084

Christopher Payne
91-2415-0041

Eleanor Shideler
91-4063-0011

BERRY
Jacob Felchler
91-4063-0012

Map No. 2
Property Owners Map
East Main Street
Renewal Project



Land Acquisition Plan East Main Street Renewal Project

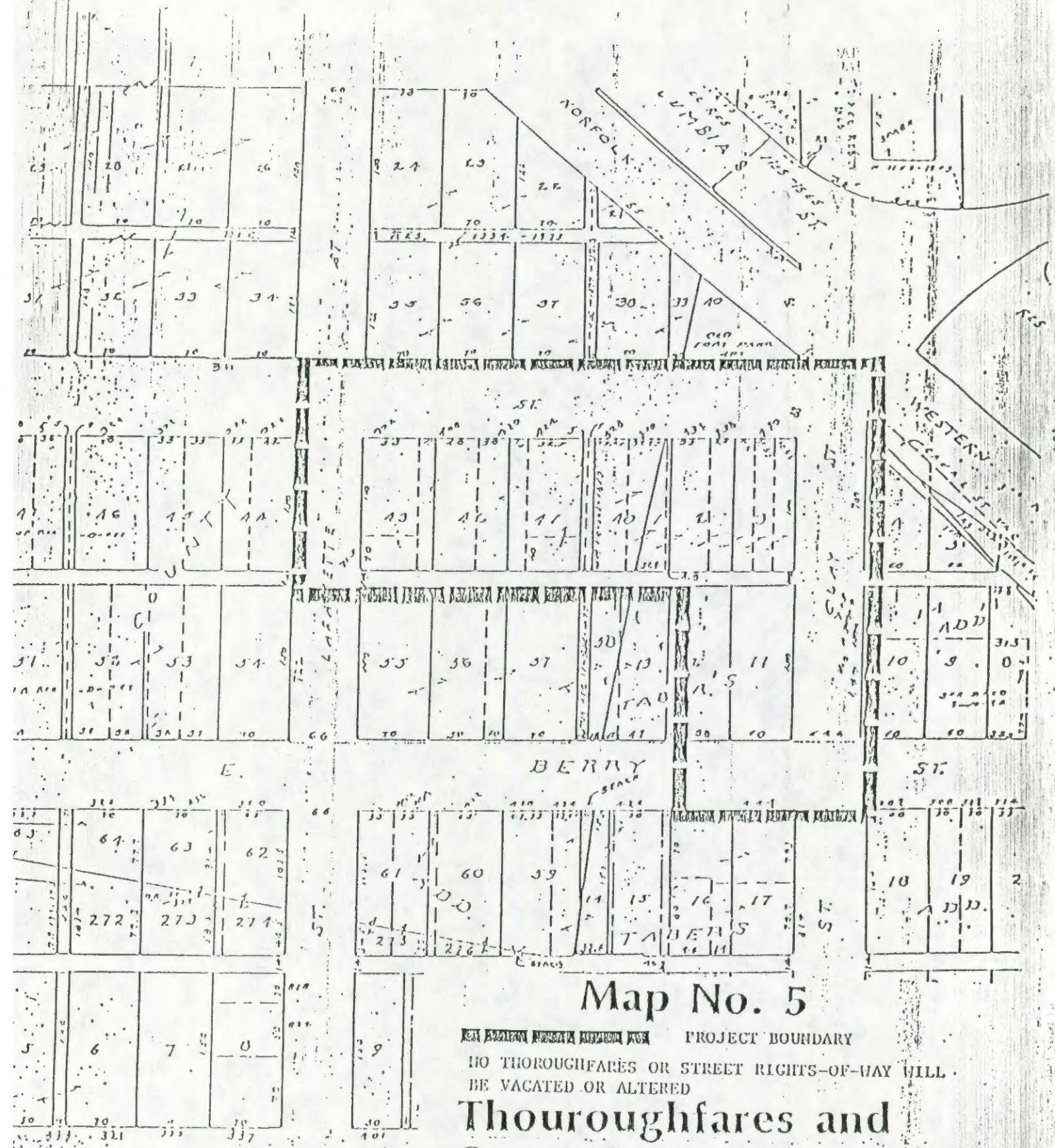


Map No. 4

PROJECT BOUNDARY

COMMERCIAL/RESIDENTIAL USE AREA

Land Use Plan East Main Street Renewal Project



Thouroughfares and Street Right-of-Ways East Main Street Renewal Project

Admn. Appr. _____

DIGEST SHEET

Q-89-02-09

TITLE OF ORDINANCE Resolution Ratifying and Approving Declaratory Resolution of the Fort Wayne Redevelopment Commission and the Approving Resolution of the Fort Wayne Plan Commission

DEPARTMENT REQUESTING ORDINANCE Fort Wayne Redevelopment Commission

SYNOPSIS OF ORDINANCE On January 11th, the Fort Wayne Redevelopment Commission adopted Resolution 89-2 which declared a portion of the block bounded by Clay Street on the east, Main Street on the north, Lafayette Street on the west and Berry Street on the South an Urban Renewal Area. Before the Commission can conduct a public hearing and consider a Confirmatory Resolution, the enabling legislation for Redevelopment Commissions (Indiana Code 36-7-14 et. seq.) requires that both the City Plan Commission and City Council must adopt Resolutions approving the Redevelopment Commission's Declaratory Resolution. On January 30, 1989, the City Plan Commission adopted a Resolution approving of resolution 89-2. At this time, the Redevelopment Commission is requesting that the City Council consider and approve a Resolution approving the Commission's Declaratory Resolution and the Plan Commission's Approving Resolution so that the Redevelopment Commission may proceed with the process of adopting the Urban Renewal Plan for the east Main Street Renewal Project.

EFFECT OF PASSAGE The Redevelopment Commission will be able to proceed with the process of adopting the Urban Renewal Plan for the East main Street Project which entails conducting a public hearing and considering a Confirmatory Resolution.

EFFECT OF NON-PASSAGE The Redevelopment Commission will not be able to proceed with the process of adopting the Urban Renewal Plan for the east Main Street Renewal Project until such time that the City Council adopts a Resolution approving the Declaratory Resolution of the Redevelopment Commission and the Approving Resolution of the City Plan Commission.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) The costs associated with the passage of this Resolution will include staff time, supplies, and legal advertisements.

ASSIGNED TO COMMITTEE (PRESIDENT)

BILL NO. R-89-02-09

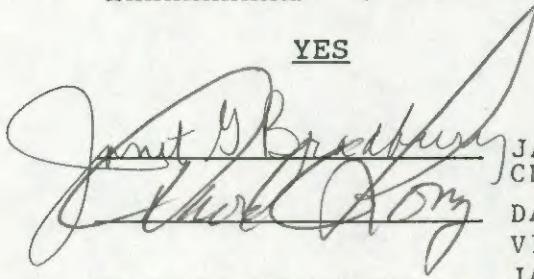
REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) RATIFYING AND
APPROVING DECLARATORY RESOLUTION 89-2 OF THE FORT WAYNE
REDEVELOPMENT COMMISSION AND THE APPROVING RESOLUTION OF THE
FORT WAYNE PLAN COMMISSION

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION) Do Pass

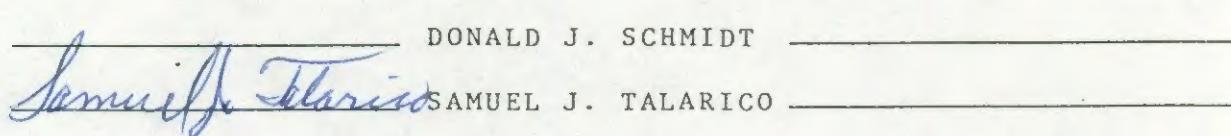
YES

NO

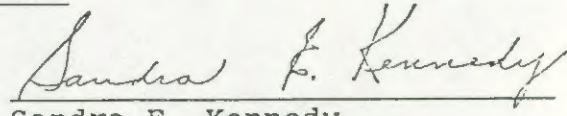


JANET G. BRADBURY
CHAIRPERSON
DAVID C. LONG
VICE CHAIRMAN
JAMES S. STIER

DONALD J. SCHMIDT


SAMUEL J. TALARICO

CONCURRED IN 2-28-85.


Sandra E. Kennedy
City Clerk